

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

v.

NOTICE OF MOTION

SULAIMAN ABU GHAYTH,

S13 98 CR 1023 (LAK)

Defendant.

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**DEFENDANT'S MOTION TO SUPPRESS OUT-OF COURT IDENTIFICATIONS AND
PRECLUDE INTRODUCTION AT TRIAL OF IN-COURT IDENTIFICATIONS**

PLEASE TAKE NOTICE that upon the attached affirmation of counsel, memorandum of law and all prior proceedings, Defendant SULAIMAN ABU GHAYTH, shall move this court, pursuant to Rule 12(b)(3)(C) of the Federal Rules of Criminal Procedure, for an order suppressing evidence of out-of-court identifications and an order precluding the elicitation of an in-court identification of the Defendant on the grounds that said identifications would violate Defendant's rights to due process and a fair trial as protected by the Fifth and Sixth Amendments to the U.S. Constitution; in the alternative, Defendant requests a hearing, pursuant to *Wade v. United States*, 388 U.S. 218, 241 (1967) to resolve any factual issues surrounding said identifications.

Yours,



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